

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
January 24, 2013

The Farmersville Planning and Zoning Commission met in special session on January 24, 2013 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present:, Mark Vincent, Craig Overstreet, Betty Sergent and Bryce Thompson. Bill Nerwich, Lee Warren and Tom Waitschies were absent. Staff members present was City Manager Ben White, Police Chief Mike Sullivan, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison Michael Carr was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Commissioner Craig Overstreet filled the position as Chairman to officiate this meeting. Commissioner Overstreet called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Commissioner Overstreet offered the invocation and the Pledge of Allegiance.

Item II – A) DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM DECEMBER 17, 2012 PLANNING & ZONING MEETING

On a motion from Bryce Thompson and a second by Betty Sergent, the Commission approved the minutes as presented. Motion carried unanimously.

Item II – B) CONSIDER, DISCUSS AND ACT TO AMEND SECTION 56-31 OF THE SIGN ORDINANCE PERTAINING TO DIGITAL SIGNS

Commissioner Overstreet opened this item for the Commission to discuss. City Manager Ben White informed the Commission that the major intent the Council had was to modernize the digital signs and the uses. As the discussion continued, the Commission discussed issues being size, scrolling and lumens. Sizes the Commission would like to consider would be 32 square feet and 20 square feet. The existing digital signs would be grandfathered and would not be required to meet new standards unless over 50% of the sign is damaged or taken down. This item will be returned to the Commission with information from other area cities and culminate the changes to fit Farmersville's needs.

Item III – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR TRIPLE CRAZY GAME ROOM LOCATED AT 865 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Commissioner Overstreet opened the Public Hearing at 6:32pm and asked for those in favor of the Specific Use Permit to come forward. Linda Story came before the Commission and stated her game room is a social gathering place and request that the Commission approve the permit for her to continue operating this establishment. Ms. Story indicated that she failed to give proper contact information so that is why she was not grouped with the other game rooms at an earlier meeting. No one else came forward in favor of the Specific Use Permit.

Commissioner Overstreet requested those opposing the Specific Use Permit to come forward. With no one opposing the Permit, the Public Hearing was closed at 6:34pm.

Commissioner Overstreet opened the item to be discussed by the Commission. Mr. Overstreet questioned Ms. Story regarding an inactive file with the State Comptroller's Office. Per an advisement from the Chief of Police, Triple Crazy's amusement license is not in effect and the Comptroller's Office does not show any taxes for fees paid since 2010. Ms. Story stated she knows she is in compliance with the Comptroller's Office and has been operating as she always did before.

Commissioner Overstreet requested an inspection before the next P&Z Meeting and asked Ms. Story to provide proof of licensing through the Comptroller's Office and provide this proof at the next P&Z Meeting.

Mark Vincent motioned to continue the Public Hearing at the next P&Z Meeting to be held on February 21st. Bryce Thompson seconded the motion. Motion carried unanimously.

Item III – B) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE PLANNED DEVELOPMENT ORDINANCE FOR THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS LOCATED AT 513 SYCAMORE

Commissioner Overstreet opened the Public Hearing at 6:42pm and asked for those to come forward who are in favor of the amendment to the Planned Development for the Church of Jesus Christ of Latter Day Saints. Don Vandiver, Architect and consultant for the project, was present to answer in questions. With no questions or comments, Commissioner Overstreet asked for those opposing the amendment to the Planned Development to come forward. With no one speaking, Commissioner Overstreet closed the Public Hearing at 6:44pm.

City Manager Ben White came before the Commission and stated that the drawings, plans and requests have been reviewed extensively. Even our Mayor, who is an engineer, has reviewed the documents presented. All processes have been fulfilled and staff recommends going forward and recommending approval to the Council.

Mr. White also interjected that there is an existing storm drainage problem on the property south of the LDS Church that will need to be addressed by the City. The property owner, Bill Nerwich, has been informed of the issues and this is separate from the LDS Church property. However, the LDS Church took into consideration the storm water that interfaces with the subdivision to the west of the property (Lincoln Heights). An erosion barrier will be built on the LDS Church property and the City will make necessary repairs on the Nerwich property to resolve the drainage problems. Mr. White described the problem as "egg shelled" where the pipe has crushed down and does not allow proper flow of the storm water.

Commissioner Overstreet expressed concern regarding fire protection with Mr. White stating that all requirements have been met including looped driveways. The distance of the fire hydrants plus a new 12" water line to be installed prior to the completion of the Church will resolve any fire hazard issues.

Mark Vincent expressed concern regarding a fence or screened barrier. Don Vandiver explained that the current request on the plans varies from the existing ordinance and the Church has requested a variance on the Landscape Plan. The Church did not want an oppressive look or have a screened fortress. Rather, the Church would like to have a distinguished flow that enhances the entire area with planting beds and trees on the south side.

Mark Vincent motioned to recommend the Planned Development as presented to the Council for approval with Betty Sergent seconding the motion. Motion carried unanimously.

Item III – C) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A ZONING CHANGE FROM HIGHWAY COMMERCIAL ZONING TO LIGHT INDUSTRIAL ZONING FOR THE PROPERTY LOCATED AT 701 STATE HIGHWAY 78 SOUTH, FARMERSVILLE

With Item III – D being disapproved, the Commission has the ability to table indefinitely for Council to act on a change since this change does not conform to the Land Use Plan. Bryce Thompson so moved to table this item indefinitely with Betty Sergent seconding the motion. Motion carried unanimously.

Item III – D) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM HIGHWAY COMMERCIAL TO LIGHT INDUSTRIAL ZONING FOR THE PROPERTY LOCATED AT 701 STATE HIGHWAY 78 SOUTH, FARMERSVILLE

Commissioner Overstreet called this item prior to Item III – C for the Commission to discuss. With that, the Public Hearing was opened at 7:03pm. Commissioner Overstreet requested those in favor of the Land Use change to come forward. Kimberly Trieu, owner of the property at 701 State Highway 78 South, came forward and stated her strip center has experienced a large percentage of vacancy. The Land Use request would allow her to change from Highway Commercial to Light Industrial zoning which would allow more flexibility. Mark Smith, residing at 712 Pecan Creek Court, came before the Commission opposing the Land Use change. Mr. Smith stated his property abuts the strip center and he has great concern of what type of business would be in his back door. Mr. Smith requested the Commission not to change the Land Use and keep the zoning as it is presently.

Gary Mills, residing at 710 Pecan Creek Court, stated he has the same situation as his neighbor Mr. Smith where is abuts the strip center. Mr. Mills stated he is concerned of the businesses that would come to this center and affect the quality of life for the residents in the area. Some of the businesses that could come if changed include a game room which does not draw the most savory of people. Mr. Mills stated he does not want to see that type of clientele come near their neighborhood and it is not good for the homeowners at all.

With no one else coming to speak for or against the Land Use request, Commissioner Overstreet closed the Public Hearing at 7:08pm.

A question was raised as to what types of businesses are allowed in Light Industrial, with City Attorney Alan Lathrom indicating Light Industrial zoning allows more intense uses than Highway Commercial. City Manager Ben White indicated that another item to be discussed at this meeting includes the newly developed Comprehensive Plan which does not plan to change this area to Light Industrial. Mark Vincent stated he felt it was more important to exhibit the best quality of life for the area residents.

Bryce Thompson motioned to disapprove and leave the Land Use designation as it is presently. Mark Vincent seconded the motion. Motion carried unanimously.

Item III - E) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON RECOMMENDING ADOPTION OF A NEW COMPREHENSIVE PLAN AND REPLACE THE EXISTING LAND USE PLAN

Commissioner Overstreet opened the Public Hearing at 7:16pm and asked Janet Tharp, consultant through Daniel & Brown, Inc., to come forward. Ms. Tharp stated she was hired through Daniel & Brown, Inc. to perform the planning to build a new Comprehensive Plan. Through a full re-write, the first task of the implementing a new Plan was to receive input from citizens. The land uses become more visionary with a lot of growth in the future and having this Plan will give a tool to work with the growth. Also the Thoroughfare Plan is consistent with Collin County and the Parks Plan has expanded.

During the Public Hearing, Leaca Caspari, residing at 405 Summit, expressed concern of mixed use and the designation that abuts her neighborhood. The mixed use is vague and would like to have a better explanation and how the use can be controlled. Ms. Caspari questioned the criteria so that the sanctity of the residential areas is secured. Commissioner Overstreet requested anyone who opposed the adoption of the Comprehensive Plan to come forward. With no one opposing, the Public Hearing was closed at 7:25pm.

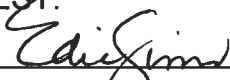
Mark Vincent expressed concern that mixed uses do not conflict with residential areas. City Attorney Alan Lathrom indicated that the mixed use does not change the use of the properties today. Janet Tharp stated the Plan is a vision of what people see Farmersville to be in the future. The Plan is a living document and can be changed or adjusted to fit the vision as the vision changes. If a developer wants to develop a piece of property, the developer would be referred to the Comprehensive Plan to see if the development matches the Plan and that it doesn't impact anyone's property or rights. Mr. Lathrom indicated that the City presently does not have a mixed use designation. Janet Tharp suggested language be added regarding mixed use that would be in line with future planning yet would preserve the existing neighborhoods. Example: Ensure that mixed use is a compatible development and protect the integrity of existing/adjacent neighborhoods.

City Manager strongly recommended going forward and have the minor changes accomplished prior to Council review and approval. Bryce Thompson motioned to recommend approval with the aforementioned changes. Betty Sergent seconded the motion. Motion carried unanimously.

ADJOURNMENT

Bryce Thompson motioned to adjourn with Mark Vincent seconding the motion. P&Z Commission adjourned at 7:53 p.m.

ATTEST:



Edie Sims, City Secretary

4 | P & Z Meeting 01/24/2013


Tom Waitschies, Chairman

